

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DISH NETWORK L.L.C.,

Plaintiff,

v.

YAHYA ALGHAFIR, TEXAS
COMMUNICATION &
TECHNOLOGY LLC, SHENZHEN
JIEMAO TECHNOLOGY CO., LTD.,
and SHENZHEN STREET CAT
TECHNOLOGY CO., LTD.,
individually and together d/b/a Super
Arab IPTV,

Defendants.

Civil Action No. 4:20-cv-01678

**PLAINTIFF DISH NETWORK L.L.C.'S APPLICATION FOR
CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANT
SHENZHEN STREET CAT TECHNOLOGY CO., LTD.**

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff DISH Network L.L.C. ("DISH") respectfully requests that the Clerk enter default against Defendant Shenzhen Street Cat Technology Co., Ltd. ("Street Cat") with regard to the allegations in DISH's Complaint (Dkt. 1).¹

¹ DISH filed an application for the Clerk's entry of default against Yahya Alghafir ("Alghafir") and Texas Communication & Technology LLC ("TCT") on July 14, 2020. (Dkt. 12.) Despite being served with the application, Alghafir and TCT still have not filed an answer or other responsive pleading or requested additional time to do so. (*See* Dkt. 12-4.) Defendant Shenzhen Jiemaotechnology Co., Ltd. filed a motion to dismiss on November 6, 2020. (Dkt. 22.) A motion for default judgment against Alghafir, TCT, and Street Cat may be premature due to the relationship of the parties and claims. (*See* Fed. R. Civ. P. 54(b).)

On October 19, 2020, the Court granted DISH's motion for alternative service on Street Cat. (Dkt. 20; Declaration of Stephen M. Ferguson [Ferguson Decl.] ¶ 2.) Pursuant to the Court's order, DISH served the summons and complaint on Street Cat by email at *szstreetcat@foxmail.com*² on October 21, 2020. (Dkt. 21; Dkt. 21-2; Ferguson Decl. ¶ 3.) DISH did not receive a notification indicating any issue with the delivery of this email to Street Cat that served the summons and complaint. (Ferguson Decl. ¶ 4.)

Street Cat's responsive pleading was due 21 days later on November 11, 2020. *See* Fed. R. Civ. P. 12(a)(1)(A)(i). To date, Street Cat has not filed an answer or other responsive pleading or requested additional time to do so. (Ferguson Decl. ¶ 5.) Street Cat is a foreign company and not a minor, incompetent, or exempt under the Servicemembers' Civil Relief Act. Fed. R. Civ. P. 55(b)(2); (*See* Ferguson Decl. ¶ 6, Ex. 1). Accordingly, the Clerk should enter default against Street Cat.

Dated: November 12, 2020

Respectfully submitted,

HAGAN NOLL & BOYLE LLC

By: /s/ Stephen M. Ferguson

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² Street Cat provided fourteen responses to DISH's notices of copyright infringement using the *szstreetcat@foxmail.com* email address. (Dkt. 19 at 3; Dkt. 19-1 ¶ 8.)

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